

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF NEW
YORK and INTELLIGENT BIO-
SYSTEMS, INC.,

Plaintiffs,

V.

ILLUMINA, INC.,

Defendant.

C.A. No. 12-376 (GMS)

ILLUMINA, INC., and ILLUMINA
CAMBRIDGE LTD.,

Counterclaim-Plaintiffs,

V.

INTELLIGENT BIO-SYSTEMS, INC.,

Counterclaim-Defendant.

**JOINT REPORT FOLLOWING A FINAL DETERMINATION BY THE PTAB IN
INTER PARTES REVIEW PROCEEDINGS**

Pursuant to paragraph 3 of the Stipulated Order Staying the Action Pending *Inter Partes* Review (D.I. 89) (“Stay Order”), the parties submit this joint report to the Court.

On March 6, 2014, the Patent Trial and Appeal Board (“PTAB”) issued final written decisions in the *inter partes* review (“IPR”) proceedings regarding certain patent claims of three of the five patents of Columbia University that have been asserted against Illumina in the above matter, finding those claims to be unpatentable based on prior art. Columbia has 60 days after the PTAB decisions (until May 5) to file a notice of appeal of the PTAB decisions to the Federal Circuit.

In the interim, and as referenced in part in D.I. 89, Plaintiff/Counterclaim-Defendant IBS has filed for *inter partes* review of all three patents that Illumina has asserted against it in the above matter. The PTAB has granted IBS's petitions for each asserted patent, finding a reasonable likelihood that the challenged claims are unpatentable. Those IPRs are proceeding, with the first of three trials scheduled for April 23, 2014 and an anticipated final written decision expected approximately three months thereafter. The last of these IPR proceedings is scheduled to be heard October 10, 2014 and an anticipated final written decision expected approximately three months thereafter.

In the interim, the parties have been engaging in limited fact discovery in the above matter consistent with the scope of the Court's Stay Order.

The parties jointly recommend that the stay of this case continue pursuant to the terms of the Court's Stay Order (D.I. 89). The parties will report again on status and provide a joint recommendation within 10 days after the next decision of the PTAB, as set forth by paragraph 3 of the current Stay Order.

Dated: March 17, 2014

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